

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES M. SAYLOR,

Plaintiff,

vs.

DIANE SABATKA-RINE, in her
official capacity only,

Defendant.

8:20-CV-264

ORDER

There are several motions pending in this case that was recently reassigned to the undersigned. The Court will extend the briefing schedule to permit newly retained plaintiff's counsel to consult with his client and respond in support of the plaintiff's pending motions. The Court will, however, deny the plaintiff's "motion to make more definite and certain and objection" ([filing 153](#)): The Court is aware of no legal requirement that a party opposing a motion use the same terms to describe them that the moving party did.¹ And the Court will deny the plaintiff's "motion requesting that facts that were excluded be considered" ([filing 158](#)): The plaintiff's filing asserts no additional facts; rather, it offers additional *argument* with respect to the defendant's evidence. Such argument may, if appropriate, be asserted in the plaintiff's reply brief.

The Court will direct the Clerk to provide a copy of this order to the formerly pro se plaintiff. However, the plaintiff is advised that when a pro se party retains counsel, only the attorney receives notice of filings. See [NEGenR 1.3\(b\)\(1\)\(D\)](#). That will be the procedure in this case from now on. The plaintiff

¹ Especially where, as here, that party believes those terms are inaccurate. See [filing 132 at 5 n.2](#).

is further advised that "[o]nce an attorney is appointed or retained, all further documents and other communications with the court must be submitted through the attorney, unless the court permits otherwise," [NEGenR 1.3\(i\)](#), which the Court will not. Any further pro se documents submitted to the Court by the plaintiff will either be returned unfiled or forwarded to the plaintiff's counsel. *Id.*

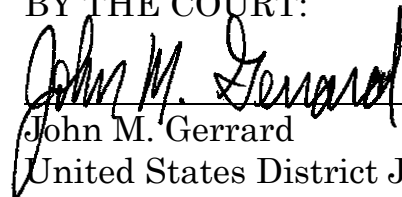
IT IS ORDERED:

1. The plaintiff's motion to extend ([filing 151](#)) and supplemental motion to extend ([filing 156](#)) are granted.
2. The plaintiff may, through counsel, reply in support of his "motion regarding already filed motion ([filing 121](#)) and his motion to amend judgment ([filing 122](#)) on or before January 9, 2023.
3. The defendant may file sur-reply briefs with respect to those motions on or before January 17, 2022. No further briefing will be permitted.
4. The plaintiff's "motion to make more definite and certain and objection" ([filing 153](#)) is denied.
5. The plaintiff's "motion requesting that facts that were excluded be considered" ([filing 158](#)) is denied.

6. The Clerk of the Court is directed to send a copy of this order directly to the plaintiff at his last known address.

Dated this 9th day of December, 2022.

BY THE COURT:



John M. Gerrard
United States District Judge